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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,663	08/22/2001	Jeffrey W. Willis	213038US22	6916

7590 05/13/2003

BROBECK PHLEGER & HARRISON LLP,  
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EXAMINER
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CASAREGOLA, LOUIS J

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 05/13/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/933,663

Applicant(s)

WILLIS ET AL.

Examiner

Louis J. Casaregola

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 1-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Election***

The previous Office action includes a restriction between combination and subcombination along with a species election requirement. Applicants have elected subcombination Group I (claims 1-26 and 41-58) and further elected the species of Figure 2. Applicants have also listed claims 1-12, 17-19, 24-43, and 58 as readable on the elected species, and of these, claims 1-12, 17-19, 24-26, 41-43, and 58 fall within elected Group I. It is maintained however that most of the listed claims do not actually read on the elected Figure 2 species. Claims 1-12, 17-19, and 24-26 recite "a compressor mechanism for compressing air and fuel" (claim 1, line 2), "an air supply conduit and a fuel supply conduit for conducting air and fuel separately into a compressor" (claim 3, line 4), or other similar language requiring that fuel be supplied to the compressor, as shown for example in the non-elected Figure 3 species. This feature is not however present in the elected Figure 2 species, which clearly supplies no fuel to compressor 4. Claims 41-43 recite further structure including "a motor/generator" (claim 41, line 4), which appears to be exclusive to the non-elected species of Figure 12. Claims 1-12, 17-19, 24-26, and 41-43 are consequently regarded as drawn to non-elected species, and these claims are therefore withdrawn from consideration along with non-elected claims 13-16, 20-23, 27-40, and 44-57. An action on the merits of remaining claim 58 is set forth below.

***Claim Rejections - 35 USC § 102***


Claim 58 is rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Specification 6-108879.

The claimed method reads on the operation of prior art gas turbine power plants of the type disclosed in the Japanese '879 Specification. See for example Figure 2 of the '879 Specification and note that plant working gas is heated by compression in compressor CP, further heated in heat exchanger HX, additionally heated in catalytic reactor CCT, cooled by expansion in turbine GT, heated again in second catalytic reactor CT, and finally cooled again in heat exchanger HX.

***Additional References***

Houdry, Pfefferle, and Dibble et al are cited as disclosing further pertinent examples of power plants employing catalytic combustion.

L. J. Casaregola  
703-308-1027 (M-F; 7:30-4:00)  
703-872-9302 FAX (9303 After Final)  
May 9, 2003

  
LOUIS J. CASAREGOLA  
PRIMARY EXAMINER